

**TOWN OF NAGS HEAD
REGULATIONS GOVERNING OFF-ROAD VEHICLES**

The general rules of operation on Beach Driving are listed below for quick reference along with a summary of the Town of Nags Head ordinance (the complete Town ordinance can be found on our web site at www.nagsheadnc.gov). Please familiarize yourself with these rules. Please understand that driving an off-road vehicle on the beaches of Nags Head is a privilege. The Town Manager shall have the authority to close any portion of the beach at any time. The Town has made every effort to accommodate four-wheel drive vehicles on the beach. At the same time, in order to ensure your safety, the safety of pedestrians, and the protection of the beaches, the Town must enforce certain regulations with respect to beach driving privileges. These rules are as follows:

- **As of a July 2015 ordinance, issued Beach Driving Permits for the 2015-2016 driving period are now authorized to drive on the designated ocean beach areas within both the Town of Nags Head and the Town of Kill Devil Hills jurisdictions.**
- Stay off of the dunes and private property. The Nags Head dune system is very fragile and can be destroyed by vehicles running over the vegetation. As a guideline, drive as close to the water's edge as possible. Under no circumstances does a beach driving permit allow you to drive your vehicle on private property without the express permission of the owner.
- Enter and exit the beach at designated and marked access points only.
- **Display your permit on the left front bumper of the vehicle.**

Should you have any additional questions concerning beach driving, you should contact a Nags Head Police Officer or make a direct inquiry to the Police Department.

APPLICATION PROCEDURE

Applications for permits will be taken from 8:30 a.m. until 5:00 p.m. daily, Monday through Friday in the Municipal Complex at 5401 S. Croatan Highway. Additionally, Town-designated tackle shops will also distribute applications and permits during their normal business hours. These tackle shops are: Fishing Unlimited, Whalebone Tackle, and T.W.'s Bait and Tackle. Permits will also be distributed at Jennette's Pier. When applying for the permit, please have a valid motor vehicle operator's license, current registration, current inspection sticker, and license plate number. The fee is currently \$25.00 per year, subject to change by the Board of Commissioners, and only cash or check made payable to the Town of Nags Head will be accepted. Beach drivers must comply with all local regulations having to do with licensing, registration, inspection and insurance before a permit will be issued.

SUMMARY OF REGULATIONS PERTAINING TO BEACH DRIVING

1. A beach driving sticker is required for each vehicle and must be renewed annually. The sticker should be placed on the left front bumper of the vehicle.
2. **A permit shall be valid on the first day of October until the thirtieth day of April of each year.**
3. A fee in accordance with the Nags Head fee schedule will be charged for each permit. The annual permit fee is currently set at \$25.00, subject to change by the Board of Commissioners. Duplicates may be obtained for a fee of \$2.00 each with return of old sticker. Commercial fisherman holding a valid state commercial fisherman's license, operating one or more vehicles in the business of commercial fishing shall obtain a permit free of charge for use only while commercial fishing.
4. Permits shall be issued only for four-wheel drive vehicles which have passed an inspection by the Department of Motor Vehicles of the state or by the equivalent department or agency of the state in which such vehicle is licensed; provided that land vehicles registered in states having no state inspection program must be examined by the permit issuing employee and found to have operating headlights, taillights, brakes, horn and windshield wipers.
5. Maximum speed shall not exceed 25 mph.
6. Beach driving is permitted only from one-half hour before sunrise to one-half hour following sunset.
7. Permitted vehicles going to and from the beach shall use the designated VEHICULAR BEACH ACCESS POINTS, which are designated and posted as such by the Town of Nags Head.
8. Pedestrians, swimmers, and bathers have the right-of-way over vehicles being operated on the beach.
9. A permit does not authorize a vehicle, its owner or operator to operate a vehicle over private property without the permission of the owner.
10. No vehicle shall be operated west of the toe of the slope of the dune except in going to and from the beach area at authorized VEHICULAR BEACH ACCESS POINTS.
11. Any person driving on the beach in a careless or heedless manner, or who drives on the beach without due caution or at an unsafe speed, or who drives while under the influence of intoxicating liquor or other drug, or who has a blood alcohol level of **0.08** percent or more by weight (in accordance with N.C. State Statutes), shall be punished as provided for in Section 1-6 of the Code of Ordinances of the Town of Nags Head.
12. Any person operating a vehicle on the beach, or going to and from the beach, must have a current and valid motor vehicle operator's license issued by the state of his/her residence.
13. It shall be unlawful for any person to cause or allow unsightly litter, foul or offensive odors or potentially dangerous materials to remain on or emanate from any property under his control, or to discard, abandon or cause the same on any public or private property within the corporate limits of the town.
14. Commercial fishermen are governed by Chapter 472 of the 1967 Session Laws of North Carolina and NCGS # 113.
15. By proclamation of the Director of Marine Fisheries, it is unlawful to use seines from Wednesday through Saturday of the week of the Nags Head Surf Fishing Tournament held during October of each year the week prior to Columbus Day and November 1 through December 15 of each year, from Gulfstream Street northward to Eighth Street at the north town limit of Nags Head. It is also unlawful to use commercial fishing gear within 750 feet of fishing piers open to the public. According to 15A NCAC 31.0001, a seine is defined as "a net set vertically in the water and pulled by hand or power to capture fish by encirclement and confining fish within itself or against another net, the shore or bank as a result of net design, construction, mesh size, webbing diameter, or method in which it is used." Each year Marine Fisheries issues a chart entitled North Carolina Recreational Guide for Fishermen. This guide lists the most current lengths and creel limits for various species of fish.

Suggested equipment to carry while driving on the beach includes: shovel, jack, tow rope or chain, board or similar jack support, low pressure tire gauge, approved tires, and a spare tire. **EMERGENCY TELEPHONE NUMBERS** - For all emergencies (police, fire, ambulance, and ocean rescue) **DIAL 911**

OTHER IMPORTANT TOWN REGULATIONS

DRIVING ON SAND DUNES PROHIBITED - It shall be unlawful to operate a vehicle on ANY sand dune in the Town.

PIT FIRES - A permit must be obtained from the Nags Head Fire Department (252-441-5909) prior to setting or lighting a pit fire. Permits for any type of fire can only be issued by the Nags Head office of the Fire Marshal.

CAMPING REGULATIONS - No person shall engage in the act of open air camping in the Town of Nags Head unless that person owns or leases improved real property or is the owner's (or lessee's) immediate family and company. Such persons may camp on the property provided that sanitary facilities including a bathroom with running water are available. The total number of persons authorized shall not exceed five.

DOGS MUST BE ON A LEASH - See chapter 4, Article I, Animal Control of the Nags Head town Code of Ordinances. Any animal off the premises of the owner or custodian shall be restrained by a leash, cord, or chain not exceeding ten (10) feet in length, held by a person who is physically able to control the animal. A collar or harness with attached current vaccination and identification tags must be worn at all times except when the dog is contained to the owner's premises. Each and every person, keeper or custodian of any dog in any public place, street, sidewalk, parking lot, on the private property of a person other than the owner, keeper or custodian and on the beach shall immediately remove all feces deposited by their dog. Such removal shall be accomplished by depositing such feces in a sanitary container. Burying feces in the sand or depositing in the ocean is prohibited and constitutes a violation of this chapter.

BEACH VEHICULAR TRAFFIC LAW - TOWN OF NAGS HEAD -CODE OF ORDINANCES

CHAPTER 8, Beaches and Waterways, ARTICLE II, Motor Vehicle Regulations, DIVISION 3, Operating on Beaches

Section 8-81. Definitions

The following words, terms, and phrases, when used in this division, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Barrier dune means the easternmost sand dune or system of sand dunes which lies just west of the mean high water mark of the Atlantic Ocean and forms a protective barrier from the actions of the Atlantic Ocean.

Beach means all that area from the easternmost edge of the barrier dune line eastward and protruding into the Atlantic Ocean for a distance of one hundred (100) yards east of the mean low water mark.

Bona fide fishing tournament means a fishing tournament sponsored by a non-profit organization having an existence in excess of one (1) calendar year prior to an application for beach driving permits. Such tournament must have a minimum number of twenty-five (25) participants and a minimum of \$500.00 is given to a recognized charity.

Toe of slope means that point between the ocean and the barrier sand dune where the uniform line of slope from the ocean toward the barrier dune begins an abrupt change of angle of direction upward and becomes the slope of the barrier dune.

Vehicle means all kinds of motor-driven and wind-powered vehicles including fishing boats and amphibious vehicles but excluding sailboats used for sport, surfboards and amphibious vehicles which are afloat and no portion of which is beached, aground or operating on wheels or tracks.

Vehicular beach access point means an access maintained by the town for use by vehicles at a designated location, usually on a town street. Vehicle access is permitted at these points and at no other location.

Sec. 8-82. Generally

Except as provided in this division, it shall be unlawful to operate any automobile, "off the road" vehicle, motorcycle, wind-powered, or motor-powered vehicle or other vehicle on the beaches of the town. Notwithstanding the provisions governing permits as provided in this division, no vehicle shall be operated on the beach of the town between 12:01 a.m. on May first and 12:00 midnight on September thirtieth of each and every year.

Sec. 8-83. Permits

(a) **Eligible Vehicles.** Permits shall be issued only for properly registered and licensed vehicles having a four-wheel drive and which shall have passed inspection by the department of motor vehicles of the state or by the equivalent department or agency of the state in which such vehicle is licensed, if applicable. Any boat transported onto the beach must be properly registered and marked according to the licensing jurisdiction.

(b) **Applications; period of validity.**

(1) Any person desiring to operate a permitted vehicle on the beach of the town shall make application to the appropriately designated employee of the town or at designated fishing tackle shops in the town. The requesting party shall present the vehicle for inspection at town hall between the hours of 8:30 a.m. and 5:00 p.m. daily Monday through Friday or at the designated fishing tackle shops during normal business hours. The applicant's name, address, driver's license number, registration number and type of vehicle for which such permit is sought must be submitted in order to obtain a permit. A permit issued hereunder shall be valid from 12:01 a.m. October first and shall expire at midnight on April thirtieth of the following year.

(2) It is further provided that there shall be a separate permit for each vehicle for which a permit is desired under the terms of this division; except, that for commercial fishermen holding a valid state commercial fishermen's license, operating one (1) or more vehicles in the business of commercial fishing, upon inspection of all vehicles so used when owned and titled in the same name and upon payment of the fee for the issuance of a single permit, duplicate permits shall be issued for all vehicles so used and owned as hereinabove stated; provided, that all such vehicles meet the inspection requirements set out in subsection (a) of this section.

(c) **Fee.** An applicant for a permit will pay a fee in accordance with the regularly adopted fee schedule of the town at the time of issuance of the permit and will receive a device or insignia which must be permanently affixed and displayed on the left front bumper of the vehicle, except however, that in the case of a bona fide fishing tournament a temporary permit signed and sealed by the town clerk may substitute for a device or insignia which must be in the vehicle when being operated on the beach.

(d) **Issuance not deemed authority to operate on private property.** No permit issued under this section shall be construed to authorize a vehicle or the owner or operator thereof to operate on private property without the permission of the owner of such property.

Section 8-84. Rules of Operation; operation on beaches

Vehicles for which a permit is obtained pursuant to this division shall be operated in accordance with the following rules:

(1) No vehicle shall be operated on the beach at a speed in excess of twenty-five (25) miles per hour.

(2) No vehicle shall be operated on the beach during the period set out in section 8-82.

(3) No vehicle shall be operated west of the "toe of the slope" of the dune except in going to and from the beach area at authorized vehicular beach access points.

However, nothing contained in this section shall be construed to permit driving on the barrier dunes or driving on private property without the express permission of the owner, even though the "toe of the slope" may be located west of the private property east boundary which extends to the mean high water mark of the ocean.

(4) Permitted vehicles going to and from the beach area shall use as an entrance and exit only the designated vehicular beach access points which shall be designated as such by the board of commissioners of the town and appropriately marked.

(5) Vehicles having permits may be operated on the beach only from one-half hour prior to sunrise to one-half hour following sunset daily. Vehicles engaged in beach restoration or protection work, including but not limited to approved beach push and sand bag installation and maintenance, may only be operated on the beach from one-half hour prior to sunrise to one-half hour following sunset Monday through Friday.

(6) Pedestrians, swimmers, and bathers shall have the right-of-way over all vehicles being operated on the beach.

(7) Any person who drives any vehicle upon the beach area carelessly and heedlessly in willful or wanton disregard of the rights or safety of others or who drives any vehicle upon the beach without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property shall be guilty of reckless driving and punished pursuant to section 1-6.

(8) Any person who is under the influence of intoxicating liquor or other drug or who has a blood alcohol level of 0.08 percent or more by weight, who drives on the beach area or going to and from the beach, shall be guilty of driving while under the influence of intoxicating liquor or other drug and shall be punished as provided in section 1-6.

(9) Any operator of any vehicle on the beach area or going to and from the beach must have a current and valid motor vehicle operator's license issued by the state of his residence.

Section 8-85. Exceptions

(a) The provisions of this division shall not apply to municipal employees, municipal vehicles, or emergency vehicles or the drivers thereof, which may be required to

enter upon the beach in the performance of their duties nor shall this division apply to a governmental agency, its employees, agents, contractors and subcontractors and their vehicles when engaged in beach restoration or protection work. The provisions of this division shall also not apply to authorized military personnel, public safety personnel or authorized persons conducting scientific research or animal preservation studies or operations.

(b) The date and time limitation provided in sections 8-82 and 8-83 shall not apply to commercial fishermen holding a valid state commercial fishermen's license when engaged in commercial fishing activities.

(c) The town manager shall have the authority to close any portion of the beach or all of the beach at such times and places that extensive beach erosion occurs. This authority may be exercised by the town manager when, as a result of inspections by him or the town employees subject to his authority, it is determined that the width of the beach between the toe of the slope of the dune and the area affected by the ocean wash and waves is such that driving would either be dangerous or increase the effects of erosion, or the beach is not sufficiently wide or stable to support vehicular traffic. At any time that the ocean wave wash is less than forty (40) feet eastward of the "toe of the slope" that portion of the beach shall be closed. The closure area shall extend to the next beach access point in each direction. Any person operating a vehicle on the beach in a closed area shall be subject to the penalties provided in this division.

(d) The town manager, on a case by case basis, shall have the authority to review and decide written requests for temporary beach driving permits submitted by individuals seeking to perform specific construction activities requiring access to the beach by vehicles when access by such vehicles is otherwise prohibited by this chapter. Written requests for temporary beach driving permits shall include the following information:

- 1) Address of the construction site and identification of the beach access location.
- 2) The start date and ending date of requested beach access.
- 3) Copy of the issued building permit for the construction project and copies of any other local, state and/or federal permits and authorizations as may be required to lawfully conduct the described construction and access onto the beach.
- 4) A description as to the hardship that will be created if the temporary permit is not authorized and how such hardship is not the result of the applicant's own actions or inactions to perform the work in strict compliance with this chapter.
- 5) Any other information as may be deemed necessary by the town manager for proper consideration of the request.

Upon finding that the permit request has (i) secured all necessary local, state, and federal permit approvals and authorizations; (ii) that the strict application of this chapter would create an undue and unnecessary hardship created by no fault of the applicant; and (iii) that the approval of the request would not be contrary to the public interest, the town manager may issue the temporary beach driving permit. The town manager shall have the authority to approve the request as presented or with modifications and shall furthermore have the authority to impose conditions in connection with such approval. The written permit authorization shall include the name of the property owner, the address of the construction site, the approved beach access location, date(s) and time(s) for which access onto the beach has been temporarily authorized, and any conditions of the permit approval. The permit approval must be kept by the vehicle operator during the conduct of work and available for inspection by town enforcement officials upon demand.

Section 8-86. Reciprocal agreements with county or other towns

If the county or any town within the county shall adopt an ordinance regulating operation of vehicles on its beaches, the board of commissioners may enter into a reciprocity agreement with that town or the county; provided, however, that the Board of Commissioners finds that the ordinance contains similar provisions to this division.